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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,498	01/12/2004	Kazuya Oda	0378-0404P	8273
2292 7590 10/28/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER QUIETT, CARRAMAH J				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
10/28/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Response to Amendment

1. The amendment(s), filed on 10/15/2008, have been entered and made of record. Claims 1-2, 4-9, and 11-16 are pending.

Response to Arguments

2. Applicant's arguments filed 10/15/2008 have been fully considered but they are not persuasive.

In the previous Office Action mailed on 7/10/2008, the Examiner rejected claims 1-2, 4-5, 8-12, and 15-16 under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al. (U. S. Pat. #6,750,437 – herein referred to as Yamashita) in view of Perregaux et al. (U. S. Pat. #5,119,181 – herein referred to as Perregaux), and Suzuki (U.S. Pat. #6,831,687 – herein referred to as Suzuki). The Examiner utilized Suzuki to teach color difference gain processing. The Applicants acknowledges that Suzuki adjusts the values of the R-gain and B-gain depending on the color temperature. However, the Applicants assert that Suzuki differs from the Applicants' invention in which the color difference gain processing is performed. The Applicants further states that, "...Applicants' invention performs the color difference gain processing or chroma gain processing, i.e., add gains to the data Cr and Cb, but does not control the white balance or adjust the R-gain and B-gain values."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *add* gains to the data Cr and Cb) are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, the Examiner maintains the rejection to 1 claims 2, 4-5, 8-12, and 15-16 under 35 U.S.C. 103(a) as being unpatentable over Yamashita in view of Perregaux, and Suzuki. Additionally, the Examiner maintains the rejection to claims 6-7 and 13-14 under 35 U.S.C. 103(a) as being unpatentable over Yamashita in view of Perregaux, and Suzuki, and in further view of Ng et al. (US Pat. #5,699,102).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2622

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/C. J. Q./

Examiner, Art Unit 2622

October 19, 2008

/Ngoc-Yen T. VU/

Supervisory Patent Examiner, Art Unit 2622